

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TETSUYA NAKAMURA, an individual,  
Plaintiff(s),  
vs.  
SUNDAY GROUP INCORPORATED, a  
Delaware corporation, et al.,  
Defendant(s).

Case # 2:22-cv- 01324-MMD-EJY

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED  
TO THE BAR OF THIS COURT  
AND DESIGNATION OF  
LOCAL COUNSEL**

FILING FEE IS \$250.00

Aaron D. Lebenta, Petitioner, respectfully represents to the Court:  
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of  
CLYDE SNOW & SESSIONS PC

(firm name)

with offices at 201 South Main Street, Suite 2200,  
(street address)

Salt Lake City, Utah, 84111,  
(city) (state) (zip code)

801-322-2516, adl@clydesnow.com.  
(area code + telephone number) (Email address)

2. That Petitioner has been retained personally or as a member of the law firm by  
James Pack and Sunday Group Incorporated to provide legal representation in connection with  
[client(s)]

the above-entitled case now pending before this Court.

3. That since 10/21/2004, Petitioner has been and presently is a  
 (date)  
 member in good standing of the bar of the highest Court of the State of Utah  
 (state)  
 where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or  
 from the clerk of the supreme court or highest admitting court of each state, territory, or insular  
 possession of the United States in which the applicant has been admitted to practice law certifying  
 the applicant's membership therein is in good standing.

4. That Petitioner was admitted to practice before the following United States District  
 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts  
 of other States on the dates indicated for each, and that Petitioner is presently a member in good  
 standing of the bars of said Courts.

Court	Date Admitted	Bar Number
Supreme Court of Utah	10/21/2004	10180
United States District Court - Utah	10/21/2004	10180
United States Court of Appeals, Tenth Circuit	03/07/2014	10180
United States Court of Appeals, Ninth Circuit	04/10/2017	10180
United States Court of Appeals, Second Circuit	12/05/2019	10180

5. That there are or have been no disciplinary proceedings instituted against petitioner,  
 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory  
 or administrative body, or any resignation or termination in order to avoid disciplinary or  
 disbarment proceedings, except as described in detail below:

None

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

None

7. That Petitioner is a member of good standing in the following Bar Associations.

Utah State Bar

8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
03/13/2020	2-19-cv-1132-JCM-EJ	US Dist. Court, NV	Granted

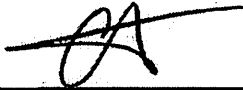
(If necessary, please attach a statement of additional applications)

9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

1 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
 2 FOR THE PURPOSES OF THIS CASE ONLY.

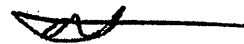
3 

Petitioner's signature

4 STATE OF Utah )  
 5 )  
 6 COUNTY OF Salt Lake )

7 Aaron D. Leberta, Petitioner, being first duly sworn, deposes and says:

8 That the foregoing statements are true.

9 

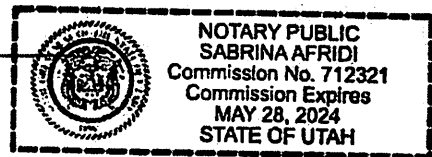
Petitioner's signature

10 Subscribed and sworn to before me this

11 20th day of June, 2023.

12 

Notary Public or Clerk of Court



14 **DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO**  
 15 **THE BAR OF THIS COURT AND CONSENT THERETO.**

16 Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner  
 17 believes it to be in the best interests of the client(s) to designate Mark L. Smith  
 18 (name of local counsel)  
 19 Attorney at Law, member of the State of Nevada and previously admitted to practice before the  
 20 above-entitled Court as associate resident counsel in this action. The address and email address of  
 21 said designated Nevada counsel is:

22 SF FIRM, LLP, 6345 South Pecos Rd., Suite 202

(street address)

23 Las Vegas

(city)

24 Nevada

(state)

25 89120

(zip code)

26 725-666-8700

(area code + telephone number)

27 msmith@sffirm.com

(Email address)

1 By this designation the petitioner and undersigned party(ies) agree that this designation constitutes  
2 agreement and authorization for the designated resident admitted counsel to sign stipulations  
3 binding on all of us.  
4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6  
7 The undersigned party(ies) appoint(s) Mark L. Smith as  
8 his/her/their Designated Resident Nevada Counsel in this case.  
9

10   
11 (party's signature)

12 James Pack

13 (type or print party name, title)

14   
15 (party's signature)

16 James Pack Director, Sunday Group Incorporated  
17 (type or print party name, title)

18 **CONSENT OF DESIGNEE**

19 The undersigned hereby consents to serve as associate resident Nevada counsel in this case.  
20

21   
22 Designated Resident Nevada Counsel's signature

23 14762

24 Bar number

25 msmith@sffirm.com

26 Email address

27 APPROVED:

28 Dated: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

UNITED STATES DISTRICT JUDGE

## ***CERTIFICATE OF GOOD STANDING***

\*This document expires 60 days from the date of issuance\*

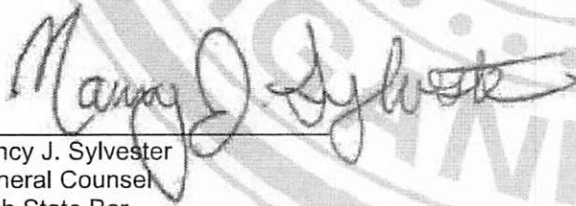
Issued on 6/23/2023

To Whom it May Concern:

Re: CERTIFICATE OF GOOD STANDING for Aaron D Lebenta

This is to certify that Aaron D Lebenta, Utah State Bar No. 10180 was admitted to practice law in Utah on 10/21/2004.

Aaron D. Lebenta is currently an ACTIVE member of the Utah State Bar in good standing. "Good standing" is defined as a lawyer who is current in the payment of all Bar licensing fees, has met mandatory continuing legal education requirements, if applicable, and is not disbarred, presently on probation, suspended, or has not resigned with discipline pending, from the practice of law in this state.



Nancy J. Sylvester  
General Counsel  
Utah State Bar

No.2023 -1051591  
verify by email at [cogsrequest@utahbar.org](mailto:cogsrequest@utahbar.org)